

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

STEVEN M. DICK,

PLAINTIFF,

V.

THE CITY OF CHICAGO, ILLINOIS, SERGEANT JOHN J. KOHLES #1252, OFFICER DEMETRIUS. KOLLIPOULOS #20142 #20142, OFFICER SEAN. J. PICKETT #12737, LIEUTENANT JOHN. A. SCHULTZ #495, CAPTAIN DOLORES. DELOUGHERY #31, LIEUTENANT ANTHONY WOJCIK #481, OFFICER RICHARD MILZ #21200, OFFICER RITA O'LEARY #20156, OFFICER JUDE R. MARTINEZ #20799, UNKNOWN OFFICERS AND AGENTS OF THE CITY OF CHICAGO, ILLINOIS, POLICE DEPARTMENT.

DEFENDANTS.

FILED: AUGUST 13, 2008

08CV4586

Nº

JUDGE GOTTSCHALL

MAGISTRATE JUDGE BROWN

CEM

Plaintiff Demands

Trial by Jury

COMPLAINT

NOW COMES THE PLAINTIFF, Steven M. Dick, by and through his attorney, JOEL W.

OSTRANDER, and complains of the Defendants, the City of Chicago, Illinois, Sergeant John J.

Kohles, Officer Demetrius Kolliopoulos #20142, Officer Sean J. Pickett #12737, Lieutenant

John A. Schultz #495, Captain Dolores Deloughery #31, Lieutenant Anthony Wojcik #481,

Officer Richard Milz #21200, Officer Rita O'Leary #20156, Officer Jude R. Martinez #20799,

Unknown Officers and Agents of the City of Chicago, Illinois, Police Department, stating in

support of the complaint as follows:

I.

Jurisdiction

1. This action is brought pursuant to the provisions of Federal Law commonly known as the Federal Civil Rights Act, 42 U.S.C., §§ 1981 through 1988.

II.

Venue

2. The claims asserted herein arise under the United States Constitution, and rights protected by the Illinois Constitution.
3. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. § 1331. With respect to the state law claims asserted herein, under 28 U.S.C. § 1367.
4. Venue is proper in this District pursuant 28 U.S.C. § 1391(b) because all of the principal acts and injuries alleged herein occurred in this District. Such acts include conspiracy to deprive the Plaintiff of clearly established constitutional rights, seizure of his person, the placement of false charges and battery within this District. In addition, the Defendants reside, transact business, may be found, maintain their principal offices and/or conduct business within this District. Plaintiff was charged, prosecuted and tried within the Northern District of Illinois.
5. In connection with the acts, conduct and other wrongs complained of, the Defendants, directly and/or indirectly, used the means and instrumentalities of interstate commerce: the United States Post Office and interstate telephone communications.

III.

Parties

6. At all times mentioned herein, Plaintiff, Steven M. Dick, was a resident of the City of Chicago, Cook County, State of Illinois, and a citizen of the United States of America.
7. At all times mentioned herein, the Chicago Police Department was an agency of the Defendant City of Chicago, Illinois.
8. At all times mentioned herein, the Defendant, City of Chicago, Illinois was a municipal corporation of the State of Illinois.

9. John J. Kohles, at all times mentioned herein, was a police officer with the Defendant, Chicago Police Department.
10. Demetrius Kolliopoulos, at all times mentioned herein, was a police officer with the Defendant, Chicago Police Department.
11. Sean J. Pickett, at all times mentioned herein, was a police officer with the Defendant, Chicago Police Department.
12. John A. Schultz, at all times mentioned herein, was a police officer with the Defendant, Chicago Police Department.
13. Dolores Deloughery, at all times mentioned herein, was a police officer with the Defendant, Chicago Police Department.
14. Anthony Wojcik, at all times mentioned herein, was a police officer with the Defendant, Chicago Police Department.
15. Richard Milz, at all times mentioned herein, was a police officer with the Defendant, Chicago Police Department.
16. Rita O'Leary, at all times mentioned herein, was a police officer with the Defendant, Chicago Police Department.
17. Jude R. Martinez at all times mentioned herein, was a police officer with the Defendant, Chicago Police Department.
18. At all times mentioned herein, Unknown Officers and Agents of the Chicago Police Department participated in the events hereinafter alleged.

IV. Violations Against Plaintiff

Count 1 - Violation of 42 U.S.C. §1983

12. At all times mentioned herein, the Plaintiff, Steven M. Dick was a resident of the City of Chicago, Illinois and was a Private Detective and Security Contractor licensed and regulated by the State of Illinois. Plaintiff, at all times mentioned herein, was a Certified

Firearms Instructor and conducted a Certified Firearm Training School for Private Detectives, Security Personnel, et al, that was licensed and regulated by the State of Illinois.

13. At all times mentioned herein, the Defendant, City of Chicago, Illinois, was, and is, a municipal corporation organized and existing under the laws of the State of Illinois. At all times mentioned herein, the Defendant, City of Chicago, created and managed the Chicago Police Department, which employed police officers for the purpose of enforcing laws of the city and state, and which was under the direction and supervision of the superintendent of police.
14. Prior to April 25, 2008 the Defendant, City of Chicago, Illinois, had developed a plan, policy or course of conduct regarding enforcement of certain firearm registration ordinances of the City of Chicago, Illinois and the enforcement of State and federal laws regarding firearms. In particular, the Municipal Code of City of Chicago, Illinois required registration of firearms under §8-20-040. However, certain firearms such as handguns and specified “assault weapons” were not permitted to be registered, and in effect, constituted a ban on those particular weapons. Violation of the Municipal Code was a Class C misdemeanor punishable up to 30 days in jail with a fine.
15. On and prior to April 25, 2008, the Defendants, Sergeant John J. Kohles, Officer Demetrius Kolliopoulos #20142, Officer Sean J. Pickett #12737, Lieutenant John A. Schultz #495, Captain Dolores Deloughery #31, Lieutenant Anthony Wojcik #481, Officer Richard Milz #21200, Officer Rita O’Leary #20156, Officer Jude R. Martinez #20799 were each the agent, servant and employee of the Defendant, City of Chicago, Illinois, Unknown Officers and agents of the City of Chicago, Illinois, Police Department, were each the agent, servant and employee of the Defendant, City of

Chicago, and each of them were so employed in the Chicago Police Department of the Defendant City of Chicago, Illinois.

16. On and before April 25, 2008, the Defendants, and each of them, did so conspire and collude among themselves and others to falsely arrest and prosecute the Plaintiff and others under the Criminal Code of the State of Illinois and Municipal Code of the City of Chicago, Illinois. In particular, and on information and belief, the Defendants violated Plaintiff's rights protected under the 4th, 5th, 6th and 14th Amendments of the United States Constitution as well as Article 1, §6 of the Constitution of the State of Illinois.
17. On April 25, 2008, the Defendant Kohles and other unknown members of the Chicago Police Department, while in the performance of their duties as members of the Chicago Police Department stopped Plaintiff as Plaintiff drove on the 3400 block of N. Hamilton Street, Chicago, Illinois. At that time and place the Plaintiff was forcibly and violently removed from his vehicle by an unknown officer, slamming him to the street, injuring Plaintiff. Defendant Kohles placed his foot on Plaintiff's head, and other Defendants and unknown officers kicked Plaintiff. At all times mentioned herein Plaintiff did not resist any arrest nor did he violate any law.
18. Thereafter, on April 25, 2008 the Defendants physically threatened Plaintiff, his family and household and forced Plaintiff to sign a "Consent to Search" form against his will. Plaintiff was compelled to open a safe in his residence, and his personal property was thereafter unlawfully seized.
19. Plaintiff was held in custody against his will at a Chicago Police Station Lockup at Belmont and Western Avenues, Chicago, Illinois from April 25, 2008 to mid afternoon on April 27, 2008. He was denied by the Defendants any opportunity to contact his lawyer, despite his repeated demands and in contravention of § 725 ILCS 5/103-3(a).

Plaintiff was not advised after his arrest of the nature of the offense that formed the basis of his arrest in contravention of § 725 ILCS 5/103-1(b).

20. On April 27, 2008, Plaintiff was seized by the Defendants and falsely charged with ten misdemeanor counts of Failure to Register Firearms in contravention of §8-20-040 and one count of Misdemeanor Assault, in contravention of 720 ILCS 5/12.1(a).
21. Plaintiff was held until the afternoon of April 27, 2008, when he was permitted by the Defendants to sign an Individual Recognizance Bond, commonly known as an “I-Bond”. Plaintiff should have been permitted to immediately leave, but was denied this right by Defendant Anthony Wojcik, who told Plaintiff he would not be released unless he agreed to be admitted to a hospital for mental conditions. Defendant Anthony Wojcik and Defendant Richard Milz, kept Plaintiff in custody for over two hours after Plaintiff had signed his recognizance “I-Bond”, and thereafter drove Plaintiff against his will to the West Side Veterans Hospital, located at or near 800 S. Damen, Chicago, Illinois, and sought to have Plaintiff admitted as a psychiatric patient.
22. Defendants Wojcik and Milz at all times knew that Plaintiff was required under the “Firearm Owner’s Identification Act” 430 ILCS 65/1 et seq., to possess an identification card commonly known as the “FOID Card” to own or possess a firearm and that the cards were issued through the Illinois State Police. These Defendants also knew that admission to a Psychiatric or Mental hospital would be grounds for immediate revocation of Plaintiff’s FOID card. Revocation would thereby prohibit Plaintiff from owning or possessing his firearms and would deny Plaintiff his work.
23. On or about April 28, 2008 certain Defendants falsely informed the Illinois State Police that Plaintiff had been charged with a felony, that Plaintiff was a convicted felon, and charged with a felony “possession of a firearm by a felon”, which resulted in Plaintiff’s FOID card being immediately revoked by the Illinois State Police.

24. On or about April 28, 2008 Defendant Jude Martinez gave false information regarding Plaintiff's arrest to a firearm training company, which company thereafter refused to allow Plaintiff to train at their facility, or to use him in their employ.
25. Plaintiff thereafter appeared on June 3, 2008 in the Circuit Court of Cook County, Illinois in the case of *People of the State of Illinois v. Steven M. Dick*, 08-226957 and entered a plea of not guilty to the charges. The Assault charge was dismissed on motion by the State of Illinois on June 3, 2008.
26. Under the provisions of 225 ILCS 446/1 et seq, Private Detectives, Security Contractors, Lock Smiths and Private Alarm Contractors are exempt from registration under the provisions of the Chicago Municipal Code 8-20-040 by rule of the Appellate Court in the case of *City of Chicago, v. Don Haworth*, 303 Ill. App. 3d 451; 708 N.E.2d 425;236 Ill. Dec. 839 (1st Dist. 1999). Plaintiff's counsel filed a Motion on June 16, 2008 to Quash the remaining ten counts of Failure to Register Firearms. On July 15, 2008 the City of Chicago, Illinois dismissed all remaining counts and agreed to the return of all firearms seized by the Defendants.
27. This suit is filed within one year of termination of the charges in favor of the Plaintiff.
28. On all dates herein referred, there was a federal law in force commonly known as the the "Federal Civil Rights Act", §§ 42 U.S.C., 1981 through 1988.
29. At all times mentioned herein, The Defendants engaged in a course of conduct to deprive the Plaintiff of due process of law and his rights under the 4th, 5th, 6th and 14th Amendments to the Constitution of the United States of America by:
 - a. Wrongfully seizing the person of the Plaintiff and falsely charging him with criminal conduct;
 - b. Using excessive force against the Plaintiff in effecting the arrest;
 - c. Not permitting Plaintiff to contact his attorney;

- d. Forcing Plaintiff to consent to search his premises against his will;
 - e. Conspiring and acting in collusion among themselves and others to falsely arrest and prosecute the Plaintiff under the Criminal Code of the State of Illinois.
 - f. Giving false information in official reports made during the arrest of the Plaintiff;
 - g. Giving false information to the Illinois State Police and to Law enforcement training companies about Plaintiff;
 - h. Failing to properly train members of the Chicago Police Department regarding firearm registration requirements of personnel licensed under 225 ILCS 446/1 et seq;
30. In so falsely and wrongfully arresting, etc., and wrongfully prosecuting the Plaintiff and other aforementioned acts, the Defendants acted under the color of state and municipal law.
31. As a direct and proximate result of such conduct, Plaintiff was caused to be imprisoned and Plaintiff was damaged psychologically, emotionally, financially and physically at the hands of the Defendants, and violated Plaintiff's rights under federal law in force commonly known as the "Federal Civil Rights Act", §§42 U.S.C., 1981 through 1988.

WHEREFORE, the Plaintiff, Steven M. Dick, asks for judgment in his favor and against the Defendants, the City of Chicago, Illinois, Sergeant John J. Kohles, Officer Demetrius Kolliopoulos #20142, Officer Sean J. Pickett #12737, Lieutenant John A. Schultz #495, Captain Dolores Deloughery #31, Lieutenant Anthony Wojcik #481, Officer Richard Milz #21200, Officer Rita O'Leary #20156, Officer Jude R. Martinez #20799, Unknown Officers and Agents of the City of Chicago, Illinois, Police Department, Unknown Officers and Agents of the City of Chicago, Illinois, Police Department, in an amount in excess of the minimum jurisdictional limits of the United States District Court for the Seventh Circuit, for reasonable attorney's fees and costs of this suit.

Count 2 - Defamation Per Se

- 1-31. Plaintiff hereby realleges 1 through 31 of Count 1 as and for paragraphs 1 through 31 of this Count 2 as though fully set forth herein.
32. That the Defendants, and each of them, knew the criminal charges against the Plaintiff were wholly false, and thereafter with actual malice made such false charges as a matter of public record causing the Plaintiff to be held up to ridicule and false public perception, thereby causing the Plaintiff great mental and physical anguish.
33. As a direct and proximate result of such conduct, Plaintiff was caused to be imprisoned and Plaintiff was damaged psychologically, emotionally, financially and physically at the hands of the Defendants, and each of them.

WHEREFORE, the Plaintiff, Steven M. Dick, asks for judgment in his favor and against the Defendants, the City of Chicago, Illinois, Sergeant John J. Kohles, Officer Demetrius Kolliopoulos #20142, Officer Sean J. Pickett #12737, Lieutenant John A. Schultz #495, Captain Dolores Deloughery #31, Lieutenant Anthony Wojcik #481, Officer Richard Milz #21200, Officer Rita O'Leary #20156, Officer Jude R. Martinez #20799, Unknown Officers and Agents of the City of Chicago, Illinois, Police Department, in an amount in excess of the minimum jurisdictional limits of the United States District Court for the Seventh Circuit, for reasonable attorney's fees and costs of this suit.

Count 3 - False Arrest

- 1-33. Plaintiff hereby realleges 1 through 33 of Count 2 as and for paragraphs 1 through 33 of this Count 3 as though fully set forth herein.
34. That the Defendants, and each of them, knew that the initiation of the criminal charges against the Plaintiff were wholly false, and thereafter made such false charges as a matter of public record, and publicized such matter thereafter to the media, causing the Plaintiff to be held up to ridicule and false public perception, thereby causing the Plaintiff great

mental and physical anguish and to incur great expenses in the defense of the Plaintiff's person.

35. As a direct and proximate result of such conduct, Plaintiff was caused to be imprisoned and Plaintiff was damaged psychologically, emotionally, financially and physically at the hands of the Defendants, and each of them.

WHEREFORE, the Plaintiff, Steven M. Dick, asks for judgment in his favor and against the Defendants, the City of Chicago, Illinois, Sergeant John J. Kohles, Officer Demetrius Kolliopoulos #20142, Officer Sean J. Pickett #12737, Lieutenant John A. Schultz #495, Captain Dolores Deloughery #31, Lieutenant Anthony Wojcik #481, Officer Richard Milz #21200, Officer Rita O'Leary #20156, Officer Jude R. Martinez #20799, Unknown Officers and Agents of the City of Chicago, Illinois, Police Department, in an amount in excess of the minimum jurisdictional limits of the United States District Court for the Seventh Circuit, for reasonable attorney's fees and costs of this suit.

Count 4 - Battery

- 1-35. Plaintiff hereby realleges 1 through 35 of Count 3 as and for paragraphs 1 through 35 of this Count 4 as though fully set forth herein.
36. That the Defendants, and each of them, in collusion and in person, unlawfully used force in the wrongful and unlawful seizure of the person of the Plaintiff, and further violently used force in effecting an unlawful arrest thereby causing the Plaintiff great mental and physical anguish.
37. As a direct and proximate result of such conduct, Plaintiff was caused to be imprisoned and Plaintiff was damaged psychologically, emotionally, financially and physically at the hands of the Defendants, and each of them.
38. Plaintiff demands trial by jury for all counts herein.

WHEREFORE, the Plaintiff, Steven M. Dick, asks for judgment in his favor and against the Defendants, the City of Chicago, Illinois, Sergeant John J. Kohles, Officer Demetrius Kolliopoulos #20142, Officer Sean J. Pickett #12737, Lieutenant John A. Schultz #495, Captain Dolores Deloughery #31, Lieutenant Anthony Wojcik #481, Officer Richard Milz #21200, Officer Rita O'Leary #20156, Officer Jude R. Martinez #20799, Unknown Officers and Agents of the City of Chicago, Illinois, Police Department, in an amount in excess of the minimum jurisdictional limits of the United States District Court for the Seventh Circuit, for reasonable attorney's fees and costs of this suit.

Plaintiff, Steven M. Dick, by his attorney,
JOEL W. OSTRANDER

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